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Situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General**

Summary

The present report is submitted in accordance with General Assembly resolution 70/173, in which the Assembly requested the Secretary-General to report to it at its seventy-first session on the progress made in the implementation of the resolution. The report reflects patterns and trends in the human rights situation in the Islamic Republic of Iran and includes recommendations to improve the implementation of resolution 70/173.

* A/71/150.
** The present report was submitted after the deadline as a result of consultations with the Member State.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/173, in which the Assembly requested the Secretary-General to report to it at its seventy-first session. The report provides information on progress made in the implementation of the resolution, with a focus on the concerns identified in that resolution.

2. In preparing the report, the Secretary-General has drawn upon observations made by the United Nations human rights treaty monitoring bodies, the special procedures of the Human Rights Council and various United Nations entities. Reference is also made to information from official State media and non-governmental organizations.

3. Since the issuance of the most recent report of the Secretary-General to the Human Rights Council on the subject (A/HRC/31/26), human rights violations have continued at an alarming rate. In particular, a significant number of executions took place, including of individuals who were juveniles at the time of the alleged offence; corporal punishment, including flogging, persisted; the treatment of journalists and human rights defenders remained of concern, as raised by several United Nations human rights mechanisms; and religious and ethnic minorities continued to face persecution and prosecution.

II. Overview of the human rights situation in the Islamic Republic of Iran

A. Death penalty

4. On 19 October 2015, the Secretary-General expressed serious concerns about the alarming rate of executions in the Islamic Republic of Iran, He reiterated his call upon the Government to establish a moratorium on executions with a view to abolishing the death penalty. That call was echoed on several occasions by the United Nations High Commissioner for Human Rights and special procedures of the Human Rights Council. The Secretary-General regrets that the Government has not taken any measures to halt executions or instituted a moratorium on the death penalty.

5. At least 966 people were reportedly executed in 2015, the highest such number in over two decades, in continuation of an upward trend that began in 2008. During the first half of 2016, at least 200 people were executed. While that number is very high, it represents a decrease in the rate of executions compared with the first half of 2015 and may be partly related to the parliamentary elections held in February 2016. Indeed, since 2009, there has been a pattern of executions dropping significantly before polling day then dramatically increasing afterwards.

6. The majority of executions pertain to drug-related offences. In their comments on the present report, the authorities maintained that the threat to security and health posed by drug trafficking, which they consider to be a most serious crime, justifies the use of the death penalty. They asserted that at least 4,000 security officers had died and 12,000 sustained injuries in the fight against drug trafficking, and that millions of dollars had been spent in that context.

7. The Human Rights Committee, which oversees the implementation of the International Covenant on Civil and Political Rights, has repeatedly stressed that drug-related offences do not meet the threshold of the most serious crimes, unless they involve intentional killing.[1]

8. Executions are often carried out following trials that fall short of the international fair trial standards guaranteed in article 14 of the Covenant, to which the Islamic Republic of Iran is a State party.[2] For example, on 9 April 2016, Rashid Kouhi was executed along with two other individuals on charges of narcotics trafficking in Gilan Province. He had been sentenced to death in 2012 after he was found in possession of 800 g of crystal meth.[3] There were serious concerns about the fairness of the trial and the denial of his right to appeal. In commenting on the present report, the authorities affirmed that individuals sentenced to death were afforded due process guarantees, including access to defence counselling.

9. In February 2016, the Vice-President for Women and Family Affairs, Shahindokht Molaverdi, was quoted saying that there were villages in Sistan-Baluchistan Province where every man had been executed for drug-related offences. Ms. Molaverdi was critical of the lack of support by the authorities for the families of those executed.[4] On 10 April 2016, the a judiciary spokesperson stated that Ms. Molaverdi had been summoned to the prosecutor's office to provide an explanation for her comments.[5]

10. The Secretary-General is encouraged by the increased recognition among the judiciary, the executive and the legislature of the ineffectiveness of the death penalty to deter drug-related crimes. For example, on 8 March 2016, Mohammad Javad Larijani, the Secretary-General of the High Council for Human Rights, questioned the effectiveness of drug-related executions and stressed the need for amendments to the Anti-Narcotics Law, which could reduce the number of executions. He cautioned, however, that such amendments would not bring about the abolition of capital punishment for drug trafficking.[6] In December 2015, 70 members of parliament presented a bill to amend the mandatory death penalty for drug offences, providing for a penalty of life imprisonment in such cases (see A/HRC/31/26). The Secretary-General reiterates his call upon the authorities to institute a moratorium on the use of the death penalty until the new parliament debates the bill.

11. Reports of execution by hanging of women and foreign nationals continued to be received. Between January 2015 and June 2016, at least 15 women were reportedly executed, mostly for drug-related offences and murder, and at least 20 foreign nationals (mainly from Afghanistan) were executed while more than 1,200 remained on death row (see A/70/304).

12. There have been repeated failures by the judiciary to uphold fair trial procedures for individuals, especially foreign nationals, who have been accused of

[1] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16581&LangID=E.

[2] The Anti-Narcotics Law provides for the death penalty for a myriad of lesser drug-related offences, including the possession of more than 30 g of methamphetamines.

[3] See www.ohchr.org/en/newsevents/pages/displaynews.aspx?newsID=19816&a.

[4] Mehr News Agency, 23 February 2016. Available from www.mehrnews.com/news/3561192/.

[5] Iranian Students' News Agency, 11 April 2016. Available from www.isna.ir/news/95012208372.

[6] PressTV, "Iran needs revision of drug-related laws: judiciary official", 8 March 2016. Available from www.presstv.com/Detail/2016/03/08/454570/Iran-drug-crimes-executions-Larijani/.

capital crimes. In their comments on the present report, the authorities stated that foreign nationals were informed of the consequences of engaging in drug-smuggling and were systematically afforded translation and defence counselling services.

13. Over 50 executions were carried out in public in 2015 and at least 10 during the first half of 2016. It has been reported that children were present at some of the executions. The authorities argue that public executions are rarely carried out and that they serve as a deterrent. The Secretary-General is alarmed at the persistence of that dehumanizing, cruel, inhuman and degrading practice.

14. In addition, it has been estimated that up to 60 per cent of executions reportedly took place without any prior announcement by official bodies. In many cases, the victims' families or legal representatives were not informed before the executions.

B. Execution of minors

15. The Secretary-General, the High Commissioner for Human Rights, special procedures mandate holders and treaty bodies have consistently expressed concerns about the execution of juvenile offenders in the Islamic Republic of Iran. On 14 April 2016, the High Commissioner expressed serious concerns about the large number of juvenile offenders reported to be on death row. He urged the authorities to ensure that no one be executed for offences committed when under the age of 18, recalling the strict prohibition on the execution of juveniles in international human rights law.

16. In his report to the thirty-first session of the Human Rights Council, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran referred to the execution of at least 73 juvenile offenders between 2005 and 2015 (A/HRC/31/69). He noted that, as of March 2016, at least 160 juvenile offenders were reportedly on death row.

17. Although a reform of the Islamic Penal Code in 2013 introduced exceptions to the use of the death penalty for minors, courts still sentence to death defendants who were juveniles at the time of the offence. In the concluding observations of its review of the Islamic Republic of Iran in January 2016, the Committee on the Rights of the Child noted that such exceptions "are under the full discretion of judges who are allowed, but not mandated, to seek forensic expert opinion and that several persons have been re-sentenced to death following such trials" (see CRC/C/IRN/CO/3-4). The Committee urged the Islamic Republic of Iran to end the execution of children and people who had committed crimes while under the age of 18; to take legislative measures to eliminate the application of the death sentences for individuals who had committed crimes of retaliation in-kind while under the age of 18; and to commute the existing sentences for all offenders on death row for crimes committed while under the age of 18.

18. Between January 2015 and May 2016, special procedures mandate holders communicated eight urgent communications to the authorities regarding 11 juvenile offenders who were at imminent risk of execution. For example, Mohammad Ali Zehi, currently imprisoned in the Adelabad prison, is to be executed for his alleged involvement in drug trafficking activities that occurred when he was under 18 years of age. Arrested in 2008, he was reportedly sentenced to death by a revolutionary

court, tortured and forced to make a false confession. He was denied access to family members for two months and to a lawyer until the start of his trial (see A/HRC/32/53).

19. In their comments on the present report, the authorities stated that no juvenile was executed in 2016 and that the judiciary was endeavouring to prevent juvenile executions, including by encouraging victims' families and perpetrators to reach a settlement and offering financial aid. They also argued that retaliation in-kind was a right of the victims' families that could not be overruled by the judiciary.

C. Torture, inhuman or degrading treatment and punishment

20. Despite the entry into force, in June 2015, of some safeguards in the form of a revised Code of Criminal Procedure, protections against torture still do not meet international standards. The Code does not define a specific crime of torture, leaving prisoners at risk of torture, cruel, inhuman or degrading treatment. In addition, the exclusion of statements obtained through torture from admissible evidence is not supported by detailed provisions in the Code. The Secretary-General is concerned about the ongoing trend of using threats of torture, or actual torture, to extract forced confessions or other self-incriminatory evidence from prisoners or individuals detained by the police, especially those incarcerated for political ends. Such confessions are often used as admissible evidence in court proceedings. Moreover, the right of detainees to have access to a lawyer from the moment of detention is still not guaranteed.

21. Political prisoners appear to be particularly at risk of torture. Such is the case of Zeinab Jalalian, an Iranian of Kurdish origin, who was reportedly arrested by intelligence security officers in March 2008 while travelling from Kermanshah to Sanandaj. The officers reportedly violently kicked her, tied her hands and feet, and took her to the Naft Square detention centre, in Kermanshah. While in detention, Ms. Jalalian was allegedly subjected to lengthy interrogations and beatings and was held in solitary confinement for months. She was also reportedly threatened with rape and subjected to other forms of torture, including having her head hit against a wall, being flogged on her feet and being made to walk on her injured feet back to the interrogation room. Following a short trial, a court of first instance sentenced her to death in December 2008. The sentence was reportedly upheld by the Appellate Court of Kermanshah (see A/HRC/WGAD/2016/1). In their comments on the present report, the authorities reported that Ms. Jalalian was sentenced to death on charges of armed action against the system, membership in the Party of Free Life of Kurdistan, carrying and keeping unauthorized weapons and military equipment and engaging in propaganda against the system. They stated that Ms. Jalalian had recently been granted clemency and that her sentence had been commuted to life imprisonment.

22. The state of prisons in the Islamic Republic of Iran remains a major concern, owing to extensive overcrowding and high incarceration rates. Over the past two decades, an average of 300,000 people have been incarcerated annually, 50 per cent of whom have been jailed for drug-related offences. Extremely limited living space, poor quality food, an insufficient number of toilets and showers and inadequate heating are all common features in many detention facilities.

1. Solitary confinement

23. Special procedures mandate holders continued to receive reports of widespread use of solitary confinement. According to those reports, the authorities reportedly routinely subject detainees and prisoners to solitary confinement for a period that could range from a week to years and, in some instances, for an indefinite period. For instance, Mohammad Ali Taheri, who is the founder of a spiritual movement, a writer and a practitioner of alternative medical treatments used in the Islamic Republic of Iran and abroad, has been held in solitary confinement since his arrest in May 2011. He was sentenced to five years in prison for insulting the sanctity of Islam. Although he has served his sentence, he has not been released.

24. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment argued that, while solitary confinement for short periods of time may be justified under certain circumstances and with adequate and effective safeguards in place, the use of prolonged or indefinite solitary confinement may never constitute a legitimate instrument since it may cause severe mental suffering and physical pain and runs afoul of the absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment (see A/HRC/31/57/Add.1).

2. Access to adequate health care

25. People deprived of their liberty, particularly political prisoners, continue to receive inadequate access to health care. In many cases, medical treatment is reportedly withheld as a form of punishment to a degree so severe as to constitute torture. On 27 April 2016, a group of Special Rapporteurs publicly expressed concern at the situation of over a dozen political prisoners at risk of death owing to their worsening health conditions and the continued refusal by the authorities to provide them with medical treatment.

26. Among prisoners being denied access to proper medical treatment is Omid Kokabee, an experimental laser physicist. He was arrested in January 2011 upon his return from studies in the United States of America and is serving a 10-year prison sentence for alleged connections to a hostile government. Mr. Kokabee was diagnosed with kidney cancer and had to have his right kidney removed owing to the lack of timely and appropriate treatment. Following an international outcry, on 25 May 2016, Mr. Kokabee was granted a two-week medical leave.[7] His situation appears to be emblematic of a pattern whereby the authorities have denied political prisoners access to medical treatment, either by refusing to transfer them to a hospital to receive specialized treatment or by returning them to prison shortly after a major surgery. In their comments on the present report, the authorities stated that medical facilities with standard medical services exist in prisons, and that medical services are provided free of charge. They reported that prisoners have access to welfare facilities, shops, hairdressers, gymnasiums, educational and cultural classes, cinemas and libraries and frequently meet with family and relatives.

27. The United Nations human rights mechanisms, in particular special procedures mandate holders, have repeatedly drawn the attention of the authorities to allegations related to the denial of access to medical care and to substandard

[7] International Campaign For Human Rights in Iran, "Imprisoned physicist given two-week medical furlough after losing cancerous kidney", 25 May 2016. Available from www.iranhumanrights.org/2016/05/omid-kokabee-8/.

conditions of detention, urging them to embark on more comprehensive prison reform. Of the 14 communications sent to the Government of the Islamic Republic of Iran by special procedures mandate holders during the first five months of 2016, six pertained to access to health care for people in detention. The Committee against Torture and the Human Rights Committee have consistently stressed that inadequate conditions of detention can be a form of inhuman and degrading treatment. The United Nations Standard Minimum Rules for the Treatment of Prisoners provides that all prisons shall ensure prompt access to medical care in urgent cases and that prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals (see A/HRC/31/57/Add.1).

3. Flogging

28. The recurrence of flogging remains a cause for serious concern. The Islamic Penal Code, which came into force in 2013, provides for the punishment of flogging for insulting the prophets, sodomy, rape, adultery and alcohol consumption. There are reports that that punishment has also been meted-out for not fasting, not respecting the Islamic dress code, participating in protests, holding mixed-gender parties and shaking hands with an unrelated person of the opposite sex. The authorities defend flogging as a punishment, arguing it is applied as a means of dissuasion and an alternative to imprisonment and its social, ethical and economic consequences.

29. On 31 May 2016, the spokesperson of the High Commissioner for Human Rights condemned the flogging, on 26 May, of 35 students, after they were found holding a graduation party in Qazvin. According to State media, within a 24-hour interval, the students were arrested, interrogated, sentenced by the Prosecutor's Office to 99 lashes each and flogged. In a similar case in May, 17 mine workers were reportedly flogged in Western Azerbaijan Province for protesting against the dismissal of 350 workers from the Agh Dara gold mine. That sentence prompted reactions from parliamentarians, with some condemning the punishment as inhumane and medieval.[8] On 10 June, blogger and writer Mohammad Reza Fathi was sentenced to 444 lashes for spreading lies and disturbing public opinion.[9]

30. The Committee against Torture, the Human Rights Committee and special procedures mandate holders have repeatedly voiced concerns about the use of flogging, highlighting in particular its use against women, and called for its abolition.[10]

4. Stoning to death

31. On 20 January 2016, in a joint communication, a group of special procedure mandate holders[11] expressed concerns at the imminent risk of execution by stoning of Fariba Khalegi, who was arrested in November 2013 on suspicion of involvement in the murder of her husband. Ms. Khalegi was initially released without charges but

[8] Iran Emroz News, 1 June 2016. Available from www.iran-emrooz.net/index.php/news1/62267/.
[9] Atreyas News, 10 June 2016. Available from www.atreyas.ir/26977.
[10] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20037&LangID=E.
[11] Working Group on the issue of discrimination against women in law and in practice; Special Rapporteurs on the situation of human rights in Iran, on extrajudicial killings, on torture and other cruel, inhuman or degrading treatment or punishment and on violence against women, its causes and consequences.

was later charged with having a sexual relationship with her husband's alleged murderer. On 15 October 2014, she was reportedly convicted of adultery and sentenced to death by stoning. On 27 January 2015, the Supreme Court reportedly upheld the sentence. Article 225 of the new Islamic Penal Code prescribes stoning as a punishment for people convicted of adultery. In their comments on the present report, the authorities argued that the criminalization of adultery is consistent with an interpretation of Islamic law, and that the punishments outlined in sharia law are effective in deterring crimes and protecting morality. They added that, according to the Islamic Penal Code, judges, using their knowledge and wisdom, can hand down the punishment of stoning on the basis of circumstantial evidence.

32. The United Nations human rights mechanisms hold the view that execution by stoning constitutes a form of torture or other cruel, degrading and inhuman treatment or punishment. The Human Rights Committee has also concluded that stoning to death for adultery is a punishment that is grossly disproportionate to the nature of the crime.[12]

D. Freedom of expression

33. The Secretary-General notes the commitment by the President of the Islamic Republic of Iran to loosening restrictions on freedom of expression and his acknowledgment of freedom of speech as a basic human right. During the reporting period there has been little progress, however, and far more erosion of freedom of expression and opinion.

34. The Secretary-General is particularly concerned about the persistent pattern of arbitrary arrests and convictions of journalists and online activists. According to the Committee to Protect Journalists, the Islamic Republic of Iran has imprisoned the third greatest number of journalists of any country in the world[13] and is the seventh most censored country in the world.[14] As of March 2016, at least 47 journalists and Internet users were reportedly imprisoned in the Islamic Republic of Iran (see A/HRC/31/69).

35. The Secretary-General calls upon the authorities to immediately cease the arbitrary arrest and detention of individuals for the peaceful and legitimate exercise of their right to freedom of opinion and expression and to release said individuals who have been imprisoned. He also reiterates that unjustified restrictions on accessing media are contrary to the principle of human dignity and violate numerous human rights.

36. The Secretary-General reiterates his condemnation of the unreasonable and disproportionate sentences imposed on a journalist at the daily newspaper *Iran*, Afarine Chitsaz, the editor of the daily newspaper *Farhikhteghan*, Ehssan Mazandarani, a journalist at the monthly publication *Andisheh Pouya*, Saman Safarzai, and the brother of an editor of the opposition news website *Roozonline*, Davoud Asadi, as well as the situation of Issa Saharkhiz, an independent journalist

[12] Human Rights Committee, general comment 20 (1992).

[13] Committee to Protect Journalists, "2015 prison census: 199 journalists jailed worldwide", 1 December 2015. Available from https://cpj.org/imprisoned/2015.php.

[14] Committee to Protect Journalists, "10 most censored countries". Available from https://cpj.org/2015/04/10-most-censored-countries.php.

currently in detention and suffering from health problems. The five individuals were arrested in November 2015 by plain-clothed members of the Revolutionary Guard's intelligence units for allegedly taking part in an "infiltration network" seeking to influence public opinion and undermine the Islamic Republic on behalf of western Governments. In April 2016, Ms. Chitsaz, Mr. Mazandarani, Mr. Safarzai and Mr. Asadi were found guilty of multiple charges, including "spreading propaganda against the Islamic Republic" and "acting against national security and contacting foreign governments". They were given sentences ranging from 5 to 10 years of imprisonment.

37. Additionally, Hossein Ronaghi, a human rights activists and blogger, arrested and sentenced to 15 years of imprisonment in 2009, remains in jail despite his failing health. On 25 May 2015, Mohammad Hossein Rafiee Fanood, a gravely ill 72-year-old retired professor of polymer chemistry at the University of Tehran, was sentenced to a six-year prison sentence and a two-year ban on political and journalistic activities in connection with writings on social and political issues that had been posted to his website.

1. Artistic expression

38. The Secretary-General is concerned about a range of violations of the right to freedom of expression in domains other than journalism, such as creative arts and music. For instance, Mehdi Rajabian, a musician and founder of Barg Music, an alternative music distributor in the Islamic Republic of Iran, his brother, Hossein Rajabian, a film maker, and Yousef Emadi, a musician, were arrested in October 2013 by the Revolutionary Guards and were held in solitary confinement for over two months, during which they were subjected to intense pressure to make false televised confessions. Mr. Mehdi Rajabian was reportedly subjected to repeated torture while in detention. In late February 2016, the three men were each officially sentenced to three years in prison and a fine of 50 million rials (about $1,650) after appealing their original sentences of six years in prison and a 2 billion rial fine.[15] They were charged with "insulting the sacred" and "propaganda against the State" through the production and promotion of underground music.[16] The treatment of those men appears to be solely related to the peaceful exercise of their right to freedom of artistic expression and creativity.

39. The Secretary-General welcomes the release, on 4 May 2016, of Atena Farghdani, an artist and cartoonist. She had been arrested on 20 January 2015 on charges of spreading propaganda against the system and insulting members of parliament through paintings. In June 2015, she was sentenced to 12 and a half years imprisonment, of which she has served approximately six months.

2. Persecution of social media activists

40. The Secretary-General deplores the increasing persecution of social media activists. In May 2016, the authorities arrested at least eight Instagram users, most

[15] International Campaign for Human Rights in Iran, "Iranian music distributors sentenced to three years in prison", 1 March 2016. Available from www.iranhumanrights.org/2016/03/iranian-music-distributors-sentenced/.

[16] Freemuse, "Art under threat: attacks on artistic freedom in 2015", 22 February 2016. Available from http://freemuse.org/archives/11751.

of whom were leading models in the Iranian fashion industry, for "un-Islamic acts" and "promoting Western promiscuity".[17]

41. An Iranian cybercrime surveillance programme entitled "Operation Spider 2", which tracks and cracks down on social media users, has so far resulted in the arrest and imprisonment of several Internet users on charges such as "insulting Islam", "publishing immoral and corrupt material" and "encouraging individuals to commit immoral acts".[18]

42. The most recent directive issued by the country's Supreme Council of Cyberspace, in May 2016, requires social messaging applications to store user data on Iranian servers.[19] That directive allows the authorities to have access to the 20 million Iranian accounts associated with the Telegram messaging application, strengthening the already stringent censorship regime with respect to Internet traffic.[20] Telegram, the use of which comprises more than 50 per cent of weekly Internet traffic in the country, has faced restrictions, with over 50 channels containing messages to the public being blocked after authorities complained about the presence of pornographic content. Furthermore, the judiciary retains the power to block applications in the future.[21]

43. Facebook and Twitter continued to be entirely blocked for domestic users, and the authorities arbitrarily ban content under the justification of protecting families and Islamic culture.[22] Confirming that there are restrictions on the use of YouTube, Facebook and Twitter, the authorities claimed that those measures aimed to prevent terrorist activities, the promotion of extremism and violence and breaches of privacy. In May 2016, the Supreme Council of Cyberspace threatened to ban all social media companies operating in the country if they did not hand over all data related to Iranian users.[23]

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[17] Richard Spencer and Ahmed Vahdat, "Iranian models arrested and forced to give public self-criticism for posting pictures without headscarves", *Telegraph*, 16 May 2016. Available from www.telegraph.co.uk/news/2016/05/16/iranian-models-arrested-for-posting-pictures-without-headscarves/.

[18] Radiozamaneh, "News sites under close scrutiny for 'election offences'", 25 January 2016. Available from https://en.radiozamaneh.com/featured/news-sites-under-close-scrutiny-for-election-offences.

[19] International Campaign for Human Rights in Iran, "Hardline council fires new shot against Rouhani administration in battle over social media in Iran", 3 June 2016. Available from www.iranhumanrights.org/2016/06/social-media-servers-transfer-to-ran/.

[20] Saeed Kamali Dehghan, "Telegram: the instant messaging app freeing up Iranians' conversations", *Guardian*, 8 February 2016. Available from www.theguardian.com/world/2016/feb/08/telegram-the-instant-messaging-app-freeing-up-iranians-conversations.

[21] International Campaign for Human Rights in Iran, "Popular telegram messaging application survives censorship vote in Iran", 7 January 2016. Available from www.iranhumanrights.org/2016/01/telegram-not-filtered/.

[22] Radio Zamaneh, "Ministry funds Internet 'smart filtering' at 11 universities", 14 February 2016. Available from https://en.radiozamaneh.com/featured/ministry-funds-internet-smart-filtering-at-11-universities/.

[23] Emirates 24 News, "Iran's deadline for social media firms", 30 May 2016. Available from www.emirates247.com/news/iran-s-deadline-for-social-media-firms-2016-05-30-1.631506.

E. Treatment of refugees

44. The Secretary-General appreciates that the Islamic Republic of Iran continues to host 951,000 refugees, one of the largest refugee communities in the world, the majority of whom come from Afghanistan.[24] The authorities have taken important measures to ensure access to education and health care for refugees.[25] According to the Ministry of Education, 360,693 Afghan and 8,586 Iraqi students were enrolled in the education system of the Islamic Republic of Iran during the 2014-2015 school year. In May 2015, the Supreme Leader of the Islamic Republic of Iran announced that all Afghans, regardless of their status, should have access to school.[26] Previously, children of unregistered refugees had been barred from attending school.

45. In 2015, the Government signed a tripartite agreement with the Iran Health Insurance Organization and the Office of the United Nations High Commissioner for Refugees (UNHCR) to bring about the inclusion of nearly 1 million Iraqi and Afghan refugees in the government-sponsored universal public health insurance scheme. It provides access to health-care services in all public hospitals affiliated with the Ministry of Health.[27]

46. However, refugees continue to face inequality, discrimination and mistreatment. Only refugees with work permits issued through the Amayesh system are able to work.[28] Many barriers to marriage between Iranians and undocumented refugees remain, with women being unable to transmit citizenship to their children and their non-citizen spouses. Children born out of wedlock cannot obtain birth certificates or travel documents and are automatically barred from accessing public services.[29]

47. The majority of provinces have imposed residency restrictions on refugees.[30] In July 2016, authorities in Yazd Province warned citizens not to rent houses to non-native Iranians, in particular Afghan refugees, and ordered them to evict any such residents from their houses within 15 days.[31]

48. The forced deportation of refugees remains of concern. Between March 2014 and March 2015, 216,923 individuals, including 1,772 children, were reportedly forcibly deported from the Islamic Republic of Iran.[32] Fifty-five per cent of those

[24] Office of the United Nations High Commissioner for Refugees (UNHCR), "Mid-year trends 2015" (Geneva, 2015). Available from www.unhcr.org/56701b969.pdf.

[25] Submission by the Organization for Defending Victims of Violence.

[26] Islamic Republic News Agency, "Over 360,000 Afghan students study in Iranian schools: official", 25 April 2016. Available from www.irna.ir/en/News/82048154/.

[27] UNHCR, "2015 Global strategy implementation report" (Geneva, 2015). Available from www.unhcr.org/protection/livelihoods/56e80adb9/2015-global-strategy-implementation-report.html?query=Iran.

[28] Amayesh is a refugee registration system introduced in 2003 to reregister all Afghan nationals in the Islamic Republic of Iran who had been granted residency rights.

[29] Human Rights Watch, "Unwelcome guests: Iran's violation of Afghan refugee and migrant rights", 20 November 2013. Available from www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights.

[30] Ibid.

[31] BBC Persian, 13 June 2016. Available from www.bbc.com/persian/iran/2016/06/160613_l57_zarach_yazd_antiimmigrant_banner.

[32] Afghanistan Independent Human Rights Commission, "Afghan returnees' situation overview", 19 December 2015. Available from www.aihrc.org.af/home/press_release/5233.

children were unaccompanied.[33] In most cases, deportees have not been given an eviction notice and have been forcefully evicted from the country, leaving behind belongings and properties. Afghan deportees often face severe conditions in overcrowded detention centres that lack drinking water and are often subjected to mistreatment, physical abuse, exploitation and harassment.[34]

49. The Secretary-General remains concerned about the indiscriminate firing by Iranian border police on Afghans who are attempting to cross into the Islamic Republic of Iran without papers, which often results in fatalities, including the death of children. In early April 2016, a group of 14 Afghans, among whom were children, tried to cross the border into Herat province at night to look for employment in the Islamic Republic of Iran. The group was reportedly confronted by Iranian border police patrol teams that opened fire on the group, killing three, including a 14-year-old boy, injuring four and arresting the remaining seven. The latter were immediately deported, whereas those who were wounded, including a 13-year old boy, were treated at a hospital before being deported to Afghanistan. On 9 April 2016, the Iranian authorities reportedly handed over the bodies of the three dead men to the Afghan border authorities. On 8 May 2016, Iranian border security forces reportedly killed 6 Afghans, who were attempting to cross into the Islamic Republic of Iran, and injured 18 others.[35]

50. There are also concerns about the recruitment and deployment of Afghan refugees and migrants, including minors, by Iranian authorities to fight in the Syrian Arab Republic.[36]

F. Situation of civil society actors

51. The Special Rapporteur on the situation of human rights defenders expressed serious concerns about the continuing pattern of arbitrary arrest, detention and prosecution of human rights defenders as an attempt to prevent them from engaging in legitimate and peaceful human rights activities (see A/HRC/31/55/Add.1). Human rights activists and lawyers are routinely subjected to ill-treatment, including prolonged solitary confinement, degrading conditions in detention, psychological and physical torture and denial of urgent medical treatment. They are often convicted on questionable charges and given excessive prison sentences after trials that do not meet the basic requirement of the right to due process under international human rights law.

52. On 20 May 2016, the High Commissioner for Human Rights and special procedures mandate holders expressed outrage at the conviction and sentencing of

[33] According to the Afghanistan Independent Human Rights Commission, on average at least 20 individuals under the age of 18 are deported to Afghanistan every day. See www.bbc.com/persian/afghanistan/2016/06/160615_kk_human_rights_iran_deportation_underage.

[34] Afghanistan Independent Human Rights Commission, "Afghan returnees' situation overview", 19 December 2015. Available from www.aihrc.org.af/home/press_release/5233.

[35] Tolonews, "Six killed in shootout on truck smuggling Afghans into Iran", 9 May 2016. Available from www.tolonews.com/en/afghanistan/25188-six-killed-in-shootout-on-truck-smuggling-afghans-into-iran.

[36] Human Rights Watch, "Iran sending thousands of Afghans to fight in Syria: refugees, migrants report deportation threats", 29 January 2016. Available from www.hrw.org/news/2016/01/29/iran-sending-thousands-afghans-fight-syria.

Nargis Mohammadi, a prominent human rights defender.[37] On 18 May 2016, the Revolutionary Court in Tehran sentenced Ms. Mohammadi to 16 years in prison for her activities on behalf of a grassroots organization advocating the abolition of the death penalty. She was charged with "assembly and collusion against national security" and "propaganda against the state" and allegedly tried behind closed doors. Despite her having serious medical conditions, she has reportedly not been granted adequate access to specialized medical care. Prior to her arrest on 5 May 2015, Ms. Mohammadi was subjected to constant harassment, verbal assaults and interrogations by authorities for her peaceful human rights activities.[38]

53. Several other prominent human rights activists and lawyers, including Abdulfattah Soltani, Bahareh Hedayat and Mohammad Seddiqh Kaboudvand, are serving lengthy prison sentences. Mr. Kaboudvand, a Kurdish human rights activist who is in the ninth year of a 10-year sentence at Evin prison, in Tehran, has been facing new charges since October 2015. He has been singled out as a political prisoner for years and has been denied medical care despite the possibility that he may have prostate cancer. In May 2016, he went on a hunger strike in protest against the new charges, which led to a rapid deterioration of his health. After 36 days of protest, on 13 June 2016, he was released on a 4-day furlough.[39]

54. The sentencing of human rights activists illustrates the continuing shrinking space for human rights defenders and other civil society actors. The Secretary-General urges the authorities to stop targeting human rights defenders and other civil society actors who are peacefully exercising fundamental freedoms and to open up space for those individuals to conduct their essential work freely and safely. The Secretary-General calls upon the authorities to ensure the prompt release of Ms. Mohammadi, Mr. Soltani, Mr. Hedayat and Mr. Kaboudvand and all those detained for merely exercising their human rights.

G. The situation of women

55. In their comments on the present report, the authorities stated that the Islamic Republic of Iran had made remarkable achievements in the promotion of women's rights, in particular in the field of education and health. They also noted that women were represented at the highest political level, including as that of vice-president, that their participation in economic and social affairs had been promoted and measures to combat violence against them taken.

56. Although it is a member of the Commission on the Status of Women, the Islamic Republic of Iran has made little progress towards gender equality and has yet to ratify the Convention on the Elimination of All Forms of Discrimination against Women. The crackdown on women's rights activists, female journalists and lawyers has continued during the reporting period. Many have faced intimidation and harassment and, in some cases, detention or travel bans.

[37] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19996&LangID=E.

[38] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19998&LangID=E.

[39] Pen International, "Iran: Kurdish journalist released on four-day furlough", 14 June 2016. Available from www.pen-international.org/newsitems/iran-kurdish-journalist-released-on-four-day-furlough/.

57. A renowned anthropologist who holds Canadian, Irish and Iranian citizenship, Homa Hoodfar, has been arbitrarily detained at Evin prison since 6 June 2016, without due process, charge or trial and without legal representation or communication with her family.[40] She was subjected to a series of interrogations and arrests after travelling to the Islamic Republic of Iran to visit her family and to gain access to the archives of the Iranian parliamentary library for a historical book project. Security forces affiliated with the Revolutionary Guards reportedly raided her home on 9 March 2016 and confiscated her passports, research documents, computer and other personal belongings. She reportedly underwent intensive interrogation sessions for up to nine hours at a time. Ms. Hoodfar suffers from a rare neurological condition that requires regular medication and health care, to which she has not had access since her detention began. Some official Iranian news outlets depicted Ms. Hoodfar as a co-founder and leader of a network plotting against Islamic values by focusing its research on feminism.[41] The authorities claimed that Ms. Hoodfar was being detained for acts against national security, that she had access to medical facilities and that she was under the constant supervision of a doctor.

58. Violations of the rights to freedom of movement and expression and the rights to health and work seriously affect women, as do the practices of underage marriage, killings in the name of honour and female genital mutilation.[42] According to reports, 60 per cent of women in the Islamic Republic of Iran experience domestic violence (see A/HRC/31/69). According to the *Global Gender Gap Report 2015*, 21 per cent of Iranian women 19 years of age and under were married.[43]

59. The Secretary-General urges the Government to take steps to address the widespread practices of domestic violence and underage marriage, including the establishment of an appropriate legislative framework to address those issues.

60. The February 2016 parliamentary elections led to an increase in representation of women from 3 to 6 per cent. More efforts are required, however, to overcome the absence of women in decision-making positions and the social barriers they face. In some places, those barriers are institutionalized. Minoo Khaleghi, a recently elected member of parliament, was barred from taking office reportedly because she shook the hand of a man.[44] Article 1117 of the Civil Code allows men to prevent their wives from being employed (in both the public and private sectors) if they consider that employment to be "incompatible with the interests of the family or with his or

[40] International Campaign for Human Rights in Iran, "Authorities Reverse Decision to Release Detained Dual National Nazanin Zaghari-Ratcliffe", 21 June 2016. Available from www.iranhumanrights.org/2016/06/nazanin-zaghari-irgc-claim/.

[41] Mashregh News, 15 June 2016. Available from www.mashreghnews.ir/fa/news/590029.

[42] In their comments on the present report, the authorities acknowledged the occurrence of underage marriage in rural areas and attributed it to geographical conditions and the physical and sexual maturity of boys and girls. They also noted that fewer cases of female genital mutilation happen in villages that are under the cultural influence of neighbouring countries. The authorities stressed that efforts are being made to increase public awareness in those areas through health centres and religious leaders.

[43] World Economic Forum, *Global Gender Gap Report 2015* (Geneva, 2015). Available from http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=IRN.

[44] Saeed Kamali Dehghan, "Iran bars female MP for 'shaking hands with unrelated man'", 15 April 2016. Available from www.theguardian.com/world/2016/apr/15/iran-bars-female-mp-for-shaking-hands-with-unrelated-man.

his wife's dignity".[45] The Civil Code also requires women to be submissive to men and specifies that they may lose their rights, including to maintenance, if they fail to respond to the sexual needs of their husbands.[46]

61. Senior government leaders have consistently made remarks that reinforce the traditional cultural roles for women. On several occasions, the Supreme Leader commented on the role of women in society and stressed that women's greatest responsibility is to bear children and that women's employment is not a primary concern of the country.[47] That widespread attitude reflects the fact that only around 17 per cent of women between the ages of 15 and 64 are active in the labour market. While women in general face barriers, the situation is more acute for those of lower economic status and members of minority groups, in particular the Baha'i.

62. The Secretary-General notes the improvement recorded in the *Global Gender Gap Report 2015*, which shows a gender parity index of 0.98 in the context of primary school enrolment. However, the Islamic Republic of Iran is ranked 106th of 145 countries in terms of educational attainment, according to a calculation that takes into account literacy rates and enrolments at all levels of the educational system.

H. Treatment of individuals belonging to religious and ethnic minorities

63. The special procedures mandate holders and treaty bodies have referred to the Baha'i as the most severely persecuted religious minority in the Islamic Republic of Iran, with its members subjected to multiple forms of discrimination that affect their enjoyment of economic, social and cultural rights.

64. In his report to the thirty-second session of the Human Rights Council, the Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed concern at the denial of the rights to freedom of peaceful assembly and of association to religious minorities that are not recognized in the Constitution of the Islamic Republic of Iran,[48] especially members of the Baha'i community, noting that they were regularly prohibited from engaging in peaceful assemblies (see A/HRC/32/36).

65. In the Islamic Republic of Iran, access to education at technical and vocational universities and non-governmental educational institutions is restricted according to one's religion. "Belief in the religion of Islam or one of the divine religions specified in the Constitution" is an essential requirement for enrolment. That requirement has prevented Baha'is from applying, and some have had their applications rejected as "incomplete" despite having taken the national university entrance examination.

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[45] Amnesty International, "You shall procreate: attacks on women's sexual and reproductive rights in Iran" (London, 2015). Available from www.amnesty.ch/de/laender/naher-osten-nordafrika/iran/dok/2015/iran-frauen-sollen-zu-gebaermaschinen-degradiert-werden/you-shall-procreate.

[46] See Civil Code, article 1108.

[47] International Campaign for Human Rights in Iran, "Societal demand in Iran for female representation in Government is unstoppable", 22 March 2016. Available from www.iranhumanrights.org/2016/03/women-victory-in-parliamentary-elections.

[48] The Constitution of the Islamic Republic of Iran only recognizes Muslims, Zoroastrians, Jews and Christians.

66. On 8 March 2016, Rohie Safajoo was arrested for allegedly "acting against national security on cyberspace" and was released on 27 March 2016 after posting a bail of 500 million rials (about $16,500). In 2014 and 2015, although she had passed the annual university exam, her results were withheld owing to her Baha'i faith, and she was consequently unable to pursue higher education. Ms. Safajoo became active on social media, referring on her Facebook page to the persecution that she and other Baha'is faced.[49] On 29 January 2016, three Baha'i university students, Ali Kholghi, Farhang Rouhi and Nabil Zeinali, were expelled from the Open University of Kerman owing to their faith.

67. The Baha'i community also continues to suffer from severe economic pressure. Baha'i-owned businesses have been shut down by the authorities and vandalized in a number of cities, in particular after proprietors temporarily closed their businesses to observe Baha'i holidays. During the first half of June 2016, at least 25 shops belonging to Baha'is were reportedly shut down in Urumia alone. Although authorities did not disclose the reasons for the shut downs, some Baha'is believe they may have been linked to the observance of Baha'i holidays.[50]

68. The shutting down of business and shops negatively impacts the livelihoods of the Baha'i, who already face restrictions on their access to employment in the public and private sectors. The Secretary-General urges the Government to allow the Baha'i to fully participate in the economic growth and development of the Islamic Republic of Iran and to be granted access to education without obstructions.

69. The authorities claim that no Baha'i has been prosecuted because of his or her beliefs. They state that the Baha'i enjoy economic, social and cultural rights, are able to pursue higher education at the masters and doctorate levels and can work in the fields of production, trade and services.

70. The Secretary-General is further concerned about the increase in inflammatory comments by religious, judicial and political officials as well as the media against Baha'is. On 8 June 2016, the Special Rapporteurs on the situation of human rights in the Islamic Republic of Iran and on freedom of religion or belief expressed serious concern about incidents of incitement to hatred against the Baha'i community, noting that that could possibly encourage acts of violence against them.[51]

71. Since the visit of Faezeh Hashemi, daughter of a former president of the Islamic Republic of Iran, Akbar Hashemi Rafsanjani, to the home of Fariba Kamalabadi, one of the seven former Baha'i leaders who had been in prison since 2008, a total of 169 religious and political leaders have openly condemned the Baha'i community in speeches or in writing. On 18 May 2016, the spokesman of the judiciary, Gholamanhossein Mohseni Ejei, stated at a press conference that charges would be brought against Ms. Hashemi for that meeting, which he labelled a "very ugly and obscene act".

[49] International Campaign for Human Rights in Iran, "Young woman's quest for higher education exposes Iran's discrimination against Baha'is", 1 April 2016. Available from www.iranhumanrights.org/2016/04/rouhie-safajoo/.

[50] BBC Persian, 22 June 2016. See www.bbc.com/persian/iran/2016/06/160611_l39_bahaii_stores_sealed.

[51] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20073&LangID=E.

72. On 20 May 2016, Ayatollah Imami Kashini, one of the most senior clerics in the Islamic Republic of Iran, referred to the Baha'i as a "polluted sect" and "the enemy" in public sermons. The Association of Friday Prayer Leaders also condemned the Baha'i with similar hateful language in 25 of the 31 provinces of the Islamic Republic of Iran. The sermons labelled the Baha'i faith as "a fabricated political party masquerading as a religion and ideological belief". Furthermore, hundreds of media pieces inciting religious hatred and encouraging violence against the Baha'i appeared after the sermons of the Friday prayer leaders had been delivered. The editor of a major newspaper affiliated with State authorities openly referred to members of the Baha'i community as members of the "Zionist party". Fatwas written decades ago, along with newly written ones, that forbid Muslims from consorting with "infidel" Baha'is, have been republished. The systemic spreading of explicitly hateful rhetoric will only incite more prejudice and violence towards the already marginalized Baha'i community.

73. Discrimination and persecution of other minority groups also remain prevalent. Ethnic minority groups, including Arabs, Azeris, Baluch and Kurds, face discrimination in gaining access to university studies, employment, business licences and economic aid, getting permission to publish books and exercising their civil and political rights. Those groups are deprived of the right to teach in their native languages in schools. The authorities have only recently introduced Kurdish language and literature programmes in the curriculum of some high schools and universities in Kurdistan Province.[52] The Baluch-dominated Sistan-Baluchistan Province remains severely underdeveloped, with inhabitants having limited access to education, employment, health care and housing. Frequently, Baluch journalists and human rights activists face arbitrary arrest, physical abuse during detention and unfair trials. The Government also discriminates against Azeris by prohibiting the use of the Azeri language in schools and through harassment of Azeris.

III. Cooperation with the international human rights mechanisms

A. Cooperation with the United Nations treaty bodies

74. The Secretary-General welcomes the continued engagement of the Islamic Republic of Iran with the treaty bodies, notably through the submission of periodic reports and its dialogue with experts. On 11 and 12 January 2016, the Committee on the Rights of Child considered the combined third and fourth periodic report of the Islamic Republic of Iran (CRC/C/IRN/3-4). During the review, the Committee raised a wide range of issues, including the legal definition of the child, the execution of juvenile offenders, discrimination against girls, children with disabilities, children born out of wedlock, unregistered refugees, migrants, lesbian, gay, bisexual, transgender and intersex children, underage marriage, the practice of killing in the name of honour and female genital mutilation.

[52] See www.amnesty.org/en/documents/mde13/3660/2016/en/.

B. Cooperation with the special procedures of the Human Rights Council

75. While welcoming the increasing dialogue with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the Secretary-General regrets the Government's continued refusal to grant the Special Rapporteur access for a country visit, which could assist in identifying areas of concerns and in developing appropriate measures to address them for the benefit of all people in the Islamic Republic of Iran.

76. The Secretary-General welcomes the invitations extended by the Government to the Special Rapporteurs on the right to food and on the negative impact of unilateral coercive measures on the enjoyment of human rights, and encourages the Government to respond positively to visit requests from the Special Rapporteurs on the independence of judges and lawyers; extrajudicial, summary or arbitrary executions; freedom of religion or belief; minority issues; and the promotion and protection of the right to freedom of opinion and expression.

77. A total of 20 communications concerning urgent individual cases or emerging issues were transmitted by special procedure mandate holders to the Government during the first half of 2016. Of those, 19 were urgent actions and 1 was an allegation letter sent jointly by several thematic special procedures mandate holders. The Government responded to four of the communications.

78. During its seventy-fifth session, in April 2016, the Working Group on Arbitrary Detention adopted two opinions on the Islamic Republic of Iran and raised individual cases with the authorities through letters.

C. United Nations Development Assistance Framework

79. Given the serious human rights situation in the country, the Secretary-General is disappointed that the current United Nations Development Assistance Framework for the period 2017-2021 lacks reference to human rights and gender equality. The Secretary-General expects that the Government of the Islamic Republic of Iran and the United Nations system will implement programming under the Framework from a human rights and a gender perspective that specifically abides by national and international human rights obligations. That is also in the spirit of the Government's commitment to human rights under the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals contained therein.

IV. Recommendations

80. The Secretary-General remains deeply troubled by reports of executions, floggings, arbitrary arrests and detentions, unfair trials, denial of access to medical care and possible torture and ill-treatment. He is also concerned about continued restrictions of public freedoms and the related persecution of civil society actors, the persistence of discrimination against women and minorities and conditions of detention.

81. The Secretary-General reiterates his call upon the Government to introduce a moratorium on the use of the death penalty and to prohibit

executions of juvenile offenders and those who were below 18 years of age at the time the offence was committed.

82. The Secretary-General urges the Government to create space for civil society actors to exercise their legitimate right to peacefully carry out their activities in safety and freedom, without fear of arrest, detention or prosecution, and to release political prisoners, including human rights defenders and lawyers, detained solely for legitimately and peacefully exercising their rights to the freedoms of opinion and expression, association and peaceful assembly.

83. The Secretary-General urges the Government to remove all discriminatory provisions in legislation that affect women, in accordance with international standards, and to develop comprehensive national strategies to address harmful and violent practices against women and girls, including underage marriage. He urges the Government to take concrete and strong measures to eliminate all forms of discrimination against women in all spheres of life.

84. The Secretary-General urges the Government to take prompt steps to protect the rights of all persons belonging to religious and ethnic minorities and to remove and address all forms of discrimination against them.

85. The Secretary-General welcomes the Government's engagement with United Nations human rights treaty bodies and urges it to follow up on the concluding observations of all treaty bodies. The Secretary-General calls upon the Islamic Republic of Iran to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

86. The Secretary-General regrets that, despite repeated requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not been granted access to the country. The Secretary-General renews his call upon the Government to fully cooperate with the Special Rapporteur by inviting him to the country, as well as thematic special procedure mandate holders, in line with the standing invitation of the Islamic Republic of Iran.